

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:24-CV-00627-JRG-RSP

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 43), Plaintiff Headwater Research, LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) (all together, the “parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))

The parties have not identified any agreed claim constructions.

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))

The parties’ proposed constructions of disputed terms are provided in the chart below. The parties’ proposed constructions are also set forth in the accompanying Exhibit A, along with the intrinsic and extrinsic evidence on which the parties intend to rely. In support of Samsung’s proposed constructions, Dr. Dan Schonfeld’s expert declaration and CV are also being served upon Headwater in accordance with P.R. 4-3(b).

A. U.S. Patent No. 10,028,144

Term No.	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
1	protected execution partition	Plain and ordinary meaning, an example of which is an execution partition that cannot be accessed without authorization.	"an execution partition that cannot be accessed without authorization"
2	agent	Plain and ordinary meaning.	"a piece of software that performs certain functions for other software"
3	device agent	Plain and ordinary meaning, an example of which is a piece of software on the end-user device that performs certain functions for other software.	"a piece of software on the end-user device that performs certain functions for other software"

B. U.S. Patent No. 10,080,250

Term No.	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
4	secure policy information	Not indefinite; plain and ordinary meaning	Indefinite.
5	application-specific execution environment policy	Not indefinite; plain and ordinary meaning	Indefinite.
6	configurable communication security policy	Not indefinite; plain and ordinary meaning	Indefinite.

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))

The parties estimate that no more than three hours will be needed for the claim construction hearing. The parties agree that each side will be allocated half of the total time permitted for the hearing.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))

No party proposes to call witnesses at the claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: August 22, 2025

Respectfully submitted,

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Adam Hoffman
CA State Bar No. 218470
Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Dale Chang
CA State Bar No. 248657
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530
Philip Wang
CA State Bar No. 262239
James Milkey
CA State Bar No. 281283
James Pickens
CA State Bar No. 307474
Peter (Qi) Tong
TX State Bar No. 21449042
Jason M. Wietholter

/s/ Lawrence Jarvis

Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice*)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000
Washington, D.C. 20024
Telephone: (202) 783-5070

Thad C. Kodish
GA Bar No. 427603
tkodish@fr.com
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
Lawrence R. Jarvis
GA Bar No. 102116
jarvis@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005

Melissa R. Smith
State Bar No. 24001351

CA State Bar No. 337139
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
headwater@raklaw.com

Andrea L. Fair
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com

**ATTORNEYS FOR PLAINTIFF,
Headwater Research LLC**

Melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450

Harry L. Gillam, Jr.
State Bar No. 07921800
GILLAM & SMITH, LLP
102 N. College, Ste. 800
Tyler, Texas 75702
Telephone: (903) 934-8450

Jon Hyland
Texas Bar No. 24046131
jhyland@hilgersgraben.com
Grant K. Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: (972) 645-3097

*Attorneys for Defendants
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I served the foregoing document via electronic service on all counsel of record.

/s/ Marc Fenster
Marc Fenster